

UNOFFICIAL VERSION

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MONDAY, APRIL 16, 2012

SEVENTY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 4:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Bryan Nerren of International House of Prayer Ministries in Shelbyville, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

COMMUNICATIONS

TO: Lt. Governor Ron Ramsey
FROM: Senator Reginald Tate
DATE: April 12, 2012
RE: Excused from Session

Because I will be out of the country attending the American Council on Germany Study Tour from April 16-20, 2012, I'm requesting permission to be excused from Session.

Thanking you in advance.

APPROVED: Lieutenant Governor
Ron Ramsey

April 16, 2012

Honorable Ron Ramsey
1 Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker,

Please excuse my absence for Session tonight. I am ill and will not be able to attend.

Sincerely, Your friend,

/s/ Jim Summerville

APPROVED: Lieutenant Governor
Ron Ramsey

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April 17, 2012

Honorable Ron Ramsey
Lieutenant Governor
State of Tennessee General Assembly
1 Legislative Plaza
Nashville, Tennessee 37243

Dear Lieutenant Governor Ramsey:

Please excuse my absence from Session on April 12, 2012. I had to be out of town. Thank you for your assistance.

Sincerely,

/s/ Stacey Campfield
State Senate District 7

APPROVED: Lieutenant Governor
Ron Ramsey

PRESENTATION

Senator Massey presented **Senate Joint Resolution No. 666** to Webb School of Knoxville Lady Spartans basketball team.

PRESENTATION

Senator Henry introduced Congressman Steve Cohen, who made remarks to the Senate.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3814** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3814 by Senators Tate, Marrero, Kyle, Ford and Kelsey.

Shelby County -- As introduced, subject to local approval by both the City of Memphis and Shelby County, changes the name of the Memphis and Shelby County Convention Center to the "Memphis Convention Center", changes the name of the commission to the "Memphis Convention Center Commission" and provides for the appointment of the commissioners solely by the Mayor of the City of Memphis. Amends Chapter 420 of the Private Acts of 1917.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 182, 2372, 2387, 2895, 3062, 3282, 3760 and 3761** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 182 -- Tort Liability and Reform -- As introduced, enacts certain tort reforms. Amends TCA Title 20; Title 22; Title 29 and Title 63.

House Bill No. 2372 -- Taxes -- As introduced, redefines "intangible expense" under the Excise Tax Law; revises other various tax provisions. Amends TCA Title 67.

House Bill No. 2387 -- State Government -- As introduced, decreases the size of the board of directors for the Duck River Development Agency from 17 to 12; authorizes the Commissioner of Environment and Conservation to appoint an executive director to carry out the purposes of the "Tennessee Heritage Conservation Trust Fund Act of 2005"; revises other various provisions governing the structure of certain state agencies, committees, boards and commissions. Amends TCA Title 4; Title 11; Title 16; Title 37; Title 38; Title 41; Title 49; Title 60; Title 62; Title 63; Title 64; Title 68; Title 69 and Title 71.

House Bill No. 2895 -- Children -- As introduced, identifies factors to evaluate the best interest of the child in juvenile court proceedings. Amends TCA Title 36; Title 37; Title 39 and Title 40.

House Bill No. 3062 -- Education -- As introduced, requires virtual schools and education programs to maintain teacher-pupil ratios set by the State Board of Education and to provide the same length of time for learning opportunities as required for other schools, but allow a student to move at the student's own pace; allows technology access to be provided through computer labs; makes an online course a requirement for graduation from high school beginning with the students entering ninth grade in the 2013-2014 school year. Amends TCA Title 49.

House Bill No. 3282 -- Judges and Chancellors -- As introduced, allows members of the Judicial Nominating Commission to serve successive terms; allows solicitor general and employees of the attorney general to serve on the commission; allows members to participate in meetings by telephone if three or fewer applicants; allows members continuance in court hearings if commission meeting is scheduled. Amends TCA Title 17, Chapter 4, Part 1.

House Bill No. 3760 -- Taxes, Inheritance Gift -- As introduced, increases the maximum allowable exemption from \$1 million to \$1.25 million. Amends TCA Title 67, Chapter 8.

House Bill No. 3761 -- Taxes, Sales -- As introduced, reduces the state sales tax on food and food ingredients from 5.5 percent to 5.3 percent; requires that the local option sales tax, which under existing law can be in an amount of up to 2.75 percent, be at a rate that is a multiple of 0.25 percent. Amends TCA Title 67, Chapter 6.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 779 through 784 and 786 through 799** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 779 by Senator Kyle.

Memorials, Academic Achievement -- Irvin C. Mull, Valedictorian, Northside High School.

Senate Joint Resolution No. 780 by Senator Kyle.

Memorials, Academic Achievement -- Nortoria Nikayle Taper, Salutatorian, Northside High School.

Senate Joint Resolution No. 781 by Senator Kyle.

Memorials, Academic Achievement -- Biana Fair, Salutatorian, Hamilton High School.

Senate Joint Resolution No. 782 by Senator Kyle.

Memorials, Academic Achievement -- Darwin Dauine Denton, Valedictorian, Hamilton High School.

Senate Joint Resolution No. 783 by Senator Kyle.

Memorials, Academic Achievement -- Charles Lee Gross, Jr., Valedictorian, Trezevant High School.

Senate Joint Resolution No. 784 by Senator Kyle.

Memorials, Academic Achievement -- Elishuwa Keith Miller, Salutatorian, Trezevant High School.

Senate Joint Resolution No. 786 by Senator Southerland.

Memorials, Personal Occasion -- Kathleen and Hobert Campbell, 50th wedding anniversary.

Senate Joint Resolution No. 787 by Senator Burks.

Memorials, Academic Achievement -- Cody Lynn Burton, Valedictorian, Upperman High School.

Senate Joint Resolution No. 788 by Senator Burks.

Memorials, Academic Achievement -- Candace Nicole Wallace, Salutatorian, Upperman High School.

Senate Joint Resolution No. 789 by Senator Burks.

Memorials, Academic Achievement -- Lisa Yuyang Gong, Salutatorian, Cookeville High School.

Senate Joint Resolution No. 790 by Senator Burks.

Memorials, Academic Achievement -- Kiara Wenhan Cui, Valedictorian, Cookeville High School.

Senate Joint Resolution No. 791 by Senator Burks.

Memorials, Academic Achievement -- Abigayle Marie Clafin, Valedictorian, Cumberland County High School.

Senate Joint Resolution No. 792 by Senator Burks.

Memorials, Academic Achievement -- Andrew Barlow, Salutatorian, Monterey High School.

Senate Joint Resolution No. 793 by Senator Burks.

Memorials, Academic Achievement -- Taylor Nicole Vaden, Salutatorian, Cumberland County High School.

Senate Joint Resolution No. 794 by Senator Burks.

Memorials, Academic Achievement -- Whitney Phillips, Valedictorian, Monterey High School.

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Senate Joint Resolution No. 795 by Senator Burks.

Memorials, Academic Achievement -- Andrew Frasier Holland, Salutatorian, White County High School.

Senate Joint Resolution No. 796 by Senator Burks.

Memorials, Academic Achievement -- Emily Belle Henry, Valedictorian, White County High School.

Senate Joint Resolution No. 797 by Senator Burks.

Memorials, Academic Achievement -- Katherine Suzanne Lyon, Valedictorian, Stone Memorial High School.

Senate Joint Resolution No. 798 by Senator Burks.

Memorials, Academic Achievement -- Anna Lauren Smith, Salutatorian, Stone Memorial High School.

Senate Joint Resolution No. 799 by Senator Ford.

Memorials, Death -- Ms. Erma Lee Laws.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 808, 873 through 889, 892 through 910, 912 and 913**; and **Senate Joint Resolutions Nos. 777 and 778** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 808 -- General Assembly, Statement of Intent or Position -- Urges the Department of Education to establish a green cleaning policy for adoption by schools.

The Speaker announced that he had referred House Joint Resolution No. 808 to the Committee on Education.

House Joint Resolution No. 873 -- Memorials, Interns -- Kristen Lawson.

The Speaker announced that he had referred House Joint Resolution No. 873 to the Committee on Calendar.

House Joint Resolution No. 874 -- Memorials, Sports -- Friendship Christian School boys basketball team, Class A State Championship.

The Speaker announced that he had referred House Joint Resolution No. 874 to the Committee on Calendar.

House Joint Resolution No. 875 -- Memorials, Academic Achievement -- Adrian Ricketts, Salutatorian, Friendship Christian School.

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The Speaker announced that he had referred House Joint Resolution No. 875 to the Committee on Calendar.

House Joint Resolution No. 876 -- Memorials, Academic Achievement -- Emily Sherrill, Valedictorian, Friendship Christian School.

The Speaker announced that he had referred House Joint Resolution No. 876 to the Committee on Calendar.

House Joint Resolution No. 877 -- Memorials, Academic Achievement -- Meagen Amber Soper, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 877 to the Committee on Calendar.

House Joint Resolution No. 878 -- Memorials, Academic Achievement -- Payton Keith Arnold, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 878 to the Committee on Calendar.

House Joint Resolution No. 879 -- Memorials, Academic Achievement -- Brandi Michelle Lewis, Top 10, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 879 to the Committee on Calendar.

House Joint Resolution No. 880 -- Memorials, Academic Achievement -- Jacob Spradley, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 880 to the Committee on Calendar.

House Joint Resolution No. 881 -- Memorials, Academic Achievement -- William James Powell, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 881 to the Committee on Calendar.

House Joint Resolution No. 882 -- Memorials, Academic Achievement -- Mollie Love Carr, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 882 to the Committee on Calendar.

House Joint Resolution No. 883 -- Memorials, Academic Achievement -- Andrew Mark Peters, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 883 to the Committee on Calendar.

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House Joint Resolution No. 884 -- Memorials, Academic Achievement -- Amanda Paige McNally, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 884 to the Committee on Calendar.

House Joint Resolution No. 885 -- Memorials, Academic Achievement -- Aurora Leann Baker, Top Ten, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 885 to the Committee on Calendar.

House Joint Resolution No. 886 -- Memorials, Academic Achievement -- Caitlin Nicole Ladd, Top 10, Volunteer High School.

The Speaker announced that he had referred House Joint Resolution No. 886 to the Committee on Calendar.

House Joint Resolution No. 887 -- Memorials, Recognition -- Alcoa Middle School, Tennessee State Scholastic Team Chess Champions.

The Speaker announced that he had referred House Joint Resolution No. 887 to the Committee on Calendar.

House Joint Resolution No. 888 -- Memorials, Interns -- Carlee Greene.

The Speaker announced that he had referred House Joint Resolution No. 888 to the Committee on Calendar.

House Joint Resolution No. 889 -- Memorials, Death -- James Harvey Shelton.

The Speaker announced that he had referred House Joint Resolution No. 889 to the Committee on Calendar.

House Joint Resolution No. 892 -- Memorials, Retirement -- Melvin C. Everette.

The Speaker announced that he had referred House Joint Resolution No. 892 to the Committee on Calendar.

House Joint Resolution No. 893 -- Memorials, Personal Achievement -- Phillip Alexander Seeley, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 893 to the Committee on Calendar.

House Joint Resolution No. 894 -- Memorials, Personal Achievement -- Christopher M. Randall, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 894 to the Committee on Calendar.

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House Joint Resolution No. 895 -- Memorials, Academic Achievement -- Zachary Timothy Dye, Valedictorian, Rhea County High School.

The Speaker announced that he had referred House Joint Resolution No. 895 to the Committee on Calendar.

House Joint Resolution No. 896 -- Memorials, Academic Achievement -- Ashley Truong, Valedictorian, Kingsbury High School.

The Speaker announced that he had referred House Joint Resolution No. 896 to the Committee on Calendar.

House Joint Resolution No. 897 -- Memorials, Academic Achievement -- Keriyon Hunter, Salutatorian, Kingsbury High School.

The Speaker announced that he had referred House Joint Resolution No. 897 to the Committee on Calendar.

House Joint Resolution No. 898 -- Memorials, Academic Achievement -- Zalondria Michelle Graham, Valedictorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 898 to the Committee on Calendar.

House Joint Resolution No. 899 -- Memorials, Academic Achievement -- Luan Tran, Salutatorian, Craigmont High School.

The Speaker announced that he had referred House Joint Resolution No. 899 to the Committee on Calendar.

House Joint Resolution No. 900 -- Memorials, Academic Achievement -- Irvin Mull, Valedictorian, Northside High School.

The Speaker announced that he had referred House Joint Resolution No. 900 to the Committee on Calendar.

House Joint Resolution No. 901 -- Memorials, Academic Achievement -- Nortoria Taper, Salutatorian, Northside High School.

The Speaker announced that he had referred House Joint Resolution No. 901 to the Committee on Calendar.

House Joint Resolution No. 902 -- Memorials, Recognition -- Apostle William A. Adkins, Jr., and First Lady Linda Kerr Adkins.

The Speaker announced that he had referred House Joint Resolution No. 902 to the Committee on Calendar.

House Joint Resolution No. 903 -- Memorials, Recognition -- Rev. Robert Earl Jones, Sr., and First Lady Harriet Noel Jones.

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The Speaker announced that he had referred House Joint Resolution No. 903 to the Committee on Calendar.

House Joint Resolution No. 904 -- Memorials, Recognition -- Bishop Edward Houston Stephens, Jr., and Elder Beverly Clark Stephens.

The Speaker announced that he had referred House Joint Resolution No. 904 to the Committee on Calendar.

House Joint Resolution No. 905 -- Memorials, Recognition -- Pastor Ricky Floyd and Co-Pastor Sheila Floyd.

The Speaker announced that he had referred House Joint Resolution No. 905 to the Committee on Calendar.

House Joint Resolution No. 906 -- Memorials, Recognition -- Pastor Elliot R. Shelton, Sr., and Jeaneen Shelton.

The Speaker announced that he had referred House Joint Resolution No. 906 to the Committee on Calendar.

House Joint Resolution No. 907 -- Memorials, Recognition -- Breath of Life Christian Center, 30th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 907 to the Committee on Calendar.

House Joint Resolution No. 908 -- Memorials, Academic Achievement -- Charles Lee Gross, Jr., Valedictorian, Trezevant High School.

The Speaker announced that he had referred House Joint Resolution No. 908 to the Committee on Calendar.

House Joint Resolution No. 909 -- Memorials, Academic Achievement -- Elishuwa Keith Miller, Salutatorian, Trezevant High School.

The Speaker announced that he had referred House Joint Resolution No. 909 to the Committee on Calendar.

House Joint Resolution No. 910 -- Memorials, Recognition -- R.C. Bartlett.

The Speaker announced that he had referred House Joint Resolution No. 910 to the Committee on Calendar.

House Joint Resolution No. 912 -- Memorials, Personal Achievement -- Seth Andrew Morton, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 912 to the Committee on Calendar.

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House Joint Resolution No. 913 -- Memorials, Personal Occasion -- Bill and Beth Miller, 50th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 913 to the Committee on Calendar.

Senate Joint Resolution No. 777 -- Memorials, Death -- Elmer W. Counce.

The Speaker announced that he had referred Senate Joint Resolution No. 777 to the Committee on Calendar.

Senate Joint Resolution No. 778 -- Memorials, Recognition -- Urges improved public awareness of the Safe Haven program and participating community facilities.

The Speaker announced that he had referred Senate Joint Resolution No. 778 to the Committee on Judiciary.

MOTION

Senator Norris moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1252 -- Lottery, Charitable -- As introduced, requires annual event tickets to include either the mailing address or telephone number of the 501(c)(3) organization in addition to the name of the 501(c)(3) organization. Amends TCA Title 3.

HOUSE AMENDMENT NO. 4

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 3-17-103(a)(1)(A), is further amended by adding the following language as a new subdivision:

(vi) Notwithstanding any provision of this chapter to the contrary, within three (3) calendar days after this act becomes law, for the annual event period beginning July 1, 2012, and ending June 30, 2013.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(a)(1)(B), is amended by deleting the language "date of submission." and by substituting instead the following language:

date of submission; provided that for the purposes of the submission deadline pursuant to subdivision (a)(1)(A)(vi), an annual event application shall not be considered submitted to the secretary until in the physical possession of the secretary as evidenced by the secretary's date and time endorsement on such documentation.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(b), is further amended by adding the following language as a new subdivision:

(6) In addition to the omnibus lists transferred to the Clerk of the Senate and the Clerk of the House of Representatives pursuant to subdivision (1), the secretary shall transfer an additional omnibus list listing any organizations approved pursuant to subdivision (a)(1)(A)(v) and subsection (f) for the annual event period beginning July 1, 2012, and ending June 30, 2013. The list shall be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central daylight time (CDT) within ten (10) calendar days after this act becomes law.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(f)(1), is further amended by adding the following language as a new subdivision:

(F) Notwithstanding any provision of this chapter to the contrary, within three (3) calendar days after this act becomes law, for the annual event period beginning July 1, 2012, and ending June 30, 2013.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(f)(2), is amended by deleting the language "subdivision (f)(1)(A)" and by substituting instead the language "subdivision (f)(1)(A) or subdivision (f)(1)(F)".

Senator Yager moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 1252**, which motion prevailed by the following vote:

Ayes	27
Noes	0
Present, not voting . . .	4

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--27.

Senators present and not voting were: Bell, Campfield, Henry and Herron--4.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2879 -- Tennessee Wildlife Resources Agency -- As introduced, makes it a Class A misdemeanor to transport wild-appearing swine into or within the state without appropriate documentation from the Department of Agriculture. Amends TCA Title 70, Chapter 4, Part 1.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 1, is amended by adding the following as a new section:

70-4-133.

(a) It is the intent of this section to address the illegal translocation and release of wild-appearing swine. These animals have been shown to be destructive to native habitats, agricultural lands and private property and are carriers for a myriad of diseases that affect humans, livestock and wildlife.

(b) It is not the intent of this section to impede the legal transportation of swine that are regulated by the Department of Agriculture.

(c) As used in this section, "wild-appearing swine" means swine that are, at maturity, two feet to three feet (2' – 3') tall and three and one-half feet to five feet (3 ½' – 5') long and, at maturity, have the following physical features in comparison to domestic swine:

(1) Massive heads with smaller, pointed and heavily-furred ears;

(2) Heavier shoulders that slope down to small hips, giving the animal an outline similar to an American bison;

(3) Long and thin snouts;

(4) Upper tusks or whitters that curl up and out and rub against the lower tusks, making a knifelike edge against the lower tusks; and

(5) Straight tails that are tufted at the tip.

(d) It is an offense for any person to knowingly transport or release into the wild, or cause to be transported into or within the state, live wild-appearing swine that do not have documentation approved by the Department of Agriculture.

(e) Notwithstanding the provisions of § 70-6-101, any stop, search or arrest pursuant to this section by an officer of the agency shall be predicated upon reasonable suspicion that a violation of this section has occurred.

(f) A violation of subsection (d) is a Class A misdemeanor. Each undocumented wild-appearing swine illegally transported or released in violation of subsection (d) is a separate offense.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2879**, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle,

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Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3179 -- Tort Liability and Reform -- As introduced, limits liability of whitewater rafting companies in certain circumstances. Amends TCA Title 70.

HOUSE AMENDMENT NO. 1

AMEND by deleting subdivision (3) from Section 70-7-203 of the amendatory language of Section 1 and substituting instead the following:

(3) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant, and the act or omission caused the injury; or

AND FURTHER AMEND by deleting from the first sentence of subsection (a) of Section 70-7-204 of the amendatory language of Section 1, the language "(b)" and substituting instead the language "(d)".

Senator Bell moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3179**, which motion prevailed by the following vote:

Ayes	22
Noes	9

Senators voting aye were: Barnes, Beavers, Bell, Campfield, Crowe, Faulk, Ford, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Berke, Burks, Finney, Harper, Haynes, Herron, Kyle, Marrero and Stewart--9.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3382 -- Boards and Commissions -- As introduced, makes permissive instead of mandatory the provisions for the Home Builders Association of Tennessee, Inc., submitting list of recommended persons to the governor and the governor consulting with the association about its recommendations prior to the governor making appointment to the state board for licensing contractors; authorizes other interested home builder groups to submit lists of qualified persons. Amends TCA Title 4, Chapter 29 and Section 62-6-104.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-104(a), is amended by deleting the second sentence in subdivision (1) which reads as follows:

The board shall be composed of nine (9) members, all of whom shall be residents of this state and at least three (3) of whom shall be actively engaged as residential contractors and shall compose the residential review board to consider and handle all informal conferences pertaining to residential construction, at least two (2) of whom shall be actively engaged as commercial building contractors, at least one (1) of whom shall be actively engaged as a mechanical contractor, at least one (1) of whom shall be actively engaged as an electrical contractor, at least one (1) of whom shall be actively engaged as a highway, railroad or airport contractor, and at least one (1) of whom shall be a person who is not engaged as a contractor in any county of this state and has no commercial or professional association with the residential contracting profession or industry, either directly or indirectly.

and by substituting instead the following:

The board shall be composed of nine (9) members, all of whom shall be residents of this state and at least three (3) of whom shall be actively engaged licensed residential contractors, at least two (2) of whom shall be actively engaged as commercial building contractors, at least one (1) of whom shall be actively engaged as a mechanical contractor, at least one (1) of whom shall be actively engaged as an electrical contractor, at least one (1) of whom shall be actively engaged as a highway, railroad or airport contractor, and at least one (1) of whom shall be a person not engaged as a contractor in any county of this state and has no commercial or professional association with the construction profession or industry, either directly or indirectly.

All contractor appointments must have pulled at least five construction permits within the three (3) years prior to appointment. The residential contractors shall compose the residential review board and handle all informal conferences pertaining to residential construction. The other contractors will serve as the commercial review board and handle all informal conferences pertaining to commercial construction.

SECTION 2. Tennessee Code Annotated, Section 62-6-104, is amended by deleting subdivision (a)(2) and by substituting instead the following:

(a)(2) For each member appointed to the board that is a residential contractor, interested home builder groups including, but not limited to, the Home Builders Association of Tennessee, Inc. may submit lists of qualified persons to the governor; and the governor shall consult with each interested groups to determine qualified persons to fill the positions. For each contractor member appointed to the board that is a non-residential contractor, interested groups including, but not limited to, the Associated Builders and Contractors, Inc., the Associated General Contractors, Inc. and the Tennessee Road Builders Association may submit lists of qualified persons to the governor, and the governor shall consult with these groups to determine qualified persons to fill these positions. Appointments made pursuant to this subdivision (a)(2) shall be made by the governor at the occurrence of a vacancy or the expiration of the respective terms of the members presently serving on the board.

SECTION 3. Tennessee Code Annotated, Section 62-6-104(a), is further amended by adding the following language as a new, appropriately designated subdivision:

() The members of the board who are contractors and appointed to the review boards shall have no record of any formal disciplinary action. Such members shall each have demonstrated an interest in improving the profession by membership in a statewide trade association directly related to their profession for at least five (5) years. Each member shall be a citizen of the United States, shall have been a resident of Tennessee for five (5) years, and shall have ten (10) years experience as a licensed contractor immediately preceding the member's appointment.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Bell moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 3382**, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1105 -- Education -- As introduced, requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the Commissioner of Education, to transmit the revised policy to the commissioner. Amends TCA Title 49.

Senator Gresham moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 2 to **House Bill No. 1105**.

Senator Gresham moved that **Senate Bill No. 1105** be placed on the Message Calendar for Thursday, April 19, 2012, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2683 -- Landlord and Tenant -- As introduced, limits application of the "Uniform Residential Landlord and Tenant Act" to counties having a population of more than 75,000 instead of 68,000; change does not affect the current applicability of the act. Amends TCA Section 66-28-102.

Senator Burks moved to lift from the table a motion to reconsider on **House Bill No. 2683**, which motion prevailed.

Senator Burks moved that the Senate reconsider its action in passing **House Bill No. 2683**, which motion prevailed.

Senator Burks moved that the Senate reconsider its action in adopting Senate Amendment No. 1 to **House Bill No. 2683**, which motion prevailed.

Senator Burks moved that Senate Amendment No. 1 to **House Bill No. 2683** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2683** was repassed on third and final consideration by the following vote:

Ayes	30
Noes	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

House Bill No. 3633 -- Beer -- As introduced, authorizes the beer boards in the four major counties to suspend or revoke the beer permit if the Alcoholic Beverage Commission suspends or revokes the alcohol license of the establishment; requires the commission to notify the beer board of such action taken by the commission. Amends TCA Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1.

Senator Watson moved to lift from the table a motion to reconsider on **House Bill No. 3633**, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in passing **House Bill No. 3633**, which motion prevailed.

Senator Faulk moved that the Senate reconsider its action in adopting Senate Amendment No. 3 to **House Bill No. 3633**, which motion prevailed.

Senator Faulk moved that Senate Amendment No. 3 to **House Bill No. 3633** be withdrawn, which motion prevailed.

Senator Watson moved that the Senate reconsider its action in adopting Senate Amendment No. 2 to **House Bill No. 3633**, which motion prevailed.

Senator Watson moved that Senate Amendment No. 2 to **House Bill No. 3633** be withdrawn, which motion prevailed.

Senator Watson moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300) according to the 2010 federal census or any subsequent federal census" in subdivision (n)(1) of Section 1 and by substituting instead the language "within any county included within subsection (p)".

AND FURTHER AMEND by deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal census" in subdivision (o)(1) of Section 1 and by substituting instead the language "within any county included within subsection (p)".

AND FURTHER AMEND by deleting the language "within any county having a population of not less than three hundred thirty-six thousand four hundred (336,400) nor more than four hundred thirty-two thousand three hundred (432,300), according to the 2010 federal census or any subsequent federal

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census" in subdivisions (b)(1) and (c)(1)(A) of Section 2, and by substituting instead the language "within any county included within subsection (d)".

AND FURTHER AMEND by adding the following language as a new subsection (p) to Section 1:

(p) The pilot project established by subsections (n) and (o) of this section shall only apply in counties having a population, according to the 2010 federal census or any subsequent federal census, of:

<u>not less than:</u>	<u>nor more than:</u>
6,800	6,900
19,100	19,150
22,600	22,675
32,200	32,300
35,600	35,700
51,400	51,500
56,800	56,900
336,400	336,500
432,200	432,300

AND FURTHER AMEND by adding the following language as a new subsection (d) to Section 2 and redesignating subsection (d) as subsection (e):

(d) The pilot project established by subsections (b) and (c) of this section shall only apply in counties having a population, according to the 2010 federal census or any subsequent federal census, of:

<u>not less than:</u>	<u>nor more than:</u>
6,800	6,900
19,100	19,150
22,600	22,675
32,200	32,300
35,600	35,700
51,400	51,500
56,800	56,900
336,400	336,500
432,200	432,300

On motion, Amendment No. 4 was adopted.

Thereupon, **House Bill No. 3633**, as amended, was repassed on third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

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A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, April 18, 2012, pursuant to Rule 38: **Senate Joint Resolution No. 762.**

Senate Joint Resolution No. 751 -- Memorials, Death -- Joe "Tiger Joe" Thompson, Jr.

Senate Joint Resolution No. 752 -- Memorials, Academic Achievement -- Ashley Thi Truong, Valedictorian, Kingsbury High School.

Senate Joint Resolution No. 753 -- Memorials, Academic Achievement -- Keriyon Hunter, Salutatorian, Kingsbury High School.

Senate Joint Resolution No. 754 -- Memorials, Academic Achievement -- Kara Skjoldager, Valedictorian, Central High School.

Senate Joint Resolution No. 755 -- Memorials, Academic Achievement -- Elizabeth Forester, Salutatorian, Central High School.

Senate Joint Resolution No. 756 -- Memorials, Academic Achievement -- Jordaan Tiara McGill, Salutatorian, Central High School.

Senate Joint Resolution No. 757 -- Memorials, Death -- Robert Eugene Tipton, Jr.

Senate Joint Resolution No. 758 -- Memorials, Death -- Ryan Barek Edwards.

Senate Joint Resolution No. 761 -- Memorials, Recognition -- Catholic Charities of Tennessee, Inc., 50th anniversary.

Senate Joint Resolution No. 763 -- Memorials, Public Service -- Senator Mike Faulk.

Senate Joint Resolution No. 764 -- Memorials, Recognition -- Reverend Stanford L. Hunt.

Senate Resolution No. 94 -- General Assembly -- Urges the board of medical examiners to promulgate rules to prescribe standards for the practice of cosmetic procedures using laser invasive technology and chemical peels.

House Joint Resolution No. 864 -- Memorials, Retirement -- Dr. Jerry Hale.

House Joint Resolution No. 865 -- Memorials, Death -- Mercy Yrabedra.

House Joint Resolution No. 866 -- Memorials, Academic Achievement -- Olivia Ruth Hicks, Valedictorian, Sequatchie County High School.

House Joint Resolution No. 867 -- Memorials, Academic Achievement -- Sarah Kady-Mae Roberson, Valedictorian, Bledsoe County High School.

House Joint Resolution No. 868 -- Memorials, Academic Achievement -- William Parker McCullough, Valedictorian, Rockwood High School.

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Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Finney, Ford, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Wednesday, April 18, 2012, pursuant to Rule 38: **Senate Bill No. 2284**; and **House Joint Resolution No. 679**.

Senate Bill No. 2605 -- Sexual Offenses -- As introduced, clarifies that law permits prosecution and conviction for displaying sexual activity to a minor by electronic communication regardless of whether the victim is a minor or an undercover police officer posing as a minor. Amends TCA Title 39.

On motion, Senate Bill No. 2605 was made to conform with **House Bill No. 2856**.

On motion, House Bill No. 2856, on same subject, was substituted for Senate Bill No. 2605.

Senate Bill No. 2728 -- Courts, Juvenile -- As introduced, makes various changes to the appointment of counsel and guardians ad litem for indigent children and defendants in juvenile court. Amends TCA Section 37-1-126 and Section 37-1-150.

On motion, Senate Bill No. 2728 was made to conform with **House Bill No. 2984**.

On motion, House Bill No. 2984, on same subject, was substituted for Senate Bill No. 2728.

Senate Bill No. 2856 -- Law Enforcement -- As introduced, requires that officers who knowingly provide POST with false or misleading information concerning histories be decertified, removed from office, and be deemed ineligible to apply for a new law enforcement position in Tennessee; requires denial of application for POST certification of an applicant who knowingly provides POST with false or misleading information. Amends TCA Title 4; Title 8; Title 38; Title 39 and Title 40.

On motion, Senate Bill No. 2856 was made to conform with **House Bill No. 2860**.

On motion, House Bill No. 2860, on same subject, was substituted for Senate Bill No. 2856.

Senate Bill No. 2891 -- Criminal Procedure -- As introduced, expands definition of "uses" and "conducts" to include "transport" and "conceal" for purposes of money laundering criminal offenses. Amends TCA Title 39 and Title 40 relative to criminal offenses and criminal procedure.

On motion, Senate Bill No. 2891 was made to conform with **House Bill No. 3638**.

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On motion, House Bill No. 3638, on same subject, was substituted for Senate Bill No. 2891.

Senate Bill No. 3023 -- Board of Regents -- As introduced, allows the court to award back pay to a tenured faculty member whose dismissal the court finds was not appropriate. Amends TCA Section 49-8-304.

Senate Bill No. 3257 -- Child Custody and Support -- As introduced, requires the Department of Human Services and juvenile court or district attorney general to undertake public awareness campaign in counties implementing responsible teen parent pilot project that includes the means the department may use to collect child support. Amends TCA Title 36; Title 37 and Title 39.

Senate Bill No. 3305 -- Sentencing -- As introduced, adds charitable and governmental agencies to entities at which a person convicted of simple possession may be required to perform community service. Amends TCA Title 39; Title 40; Title 53, Chapter 10 and Title 53, Chapter 11.

Senate Bill No. 3513 -- Criminal Procedure -- As introduced, authorizes the county legislative body to set the fee for participation in the litter removal program by first-time DUI offenders and permits the judge to find a person indigent for purposes of paying that fee. Amends TCA Section 55-10-403.

Senate Bill No. 3517 -- Criminal Offenses -- As introduced, corrects the chemical compound, Benzoylindoles, found in illegal drugs such as hallucinogenic plants, from "Pravadoline (WIN 48, 09)" to "Pravadoline (WIN 48, 098)". Amends TCA Title 39, Chapter 17.

On motion, Senate Bill No. 3517 was made to conform with **House Bill No. 3129**.

On motion, House Bill No. 3129, on same subject, was substituted for Senate Bill No. 3517.

Senate Bill No. 3654 -- Judges and Chancellors -- As introduced, allows members of the Judicial Nominating Commission to serve successive terms; allows solicitor general and employees of the attorney general to serve on the commission; allows members to participate in meetings by telephone if three or fewer applicants; allows members continuance in court hearings if commission meeting scheduled. Amends TCA Title 17, Chapter 4, Part 1.

On motion, Senate Bill No. 3654 was made to conform with **House Bill No. 3282**.

On motion, House Bill No. 3282, on same subject, was substituted for Senate Bill No. 3654.

Senate Resolution No. 93 -- General Assembly, Confirmation of Appointment -- Jeffery Clay Lewis, Tennessee Peace Officer Standards and Training (POST) Commission.

House Joint Resolution No. 520 -- General Assembly, Directed Studies -- Directs the Department of Education to follow through and fulfill its publicly stated plan to provide multiple opportunities for feedback and future revision of the Tennessee Educator Acceleration Model (TEAM) in 2012.

House Joint Resolution No. 602 -- General Assembly, Statement of Intent or Position -- Expresses need to expand postsecondary credit-earning opportunities for high school students and urges state education agencies to provide assistance to any organizations conducting a statewide study of the issue.

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Senator Faulk moved that all Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

MOTION

Senator Finney moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 806**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 806 by Senator Finney.
Memorials, Recognition -- Charlie and Mary Gladys Sledge.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 806** was adopted.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR NO. 1

Senate Bill No. 3766 -- Rutherford County -- As introduced, subject to local approval, adjusts election cycle for county road board districts to coincide with elections for school districts. Amends Chapter 55 of the Private Acts of 1951, as amended.

On motion, Senate Bill No. 3766 was made to conform with **House Bill No. 3841**.

On motion, House Bill No. 3841, on same subject, was substituted for Senate Bill No. 3766.

Senate Bill No. 3777 -- Elkton -- As introduced, subject to local approval, revises the charter of the City of Elkton relative to the requirements for becoming chief of police and to correct a typographical error. Amends Chapter 431 of the Acts of 1907; as amended by Chapter 49 of the Private Acts of 2007.

On motion, Senate Bill No. 3777 was made to conform with **House Bill No. 3846**.

On motion, House Bill No. 3846, on same subject, was substituted for Senate Bill No. 3777.

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Senate Bill No. 3782 -- Dickson County -- As introduced, subject to local approval, decreases, from 12 to six, the number of county highway commissioners beginning in the August, 2014 regular election; requires commissioners be elected from the same districts as county school board members. Amends Chapter 53 of the Private Acts of 1985.

On motion, Senate Bill No. 3782 was made to conform with **House Bill No. 3857**.

On motion, House Bill No. 3857, on same subject, was substituted for Senate Bill No. 3782.

Senate Bill No. 3792 -- Williamson County -- As introduced, subject to local approval, creates a special juvenile court in Williamson County pursuant to the "Juvenile Court Restructure Act of 1982".

On motion, Senate Bill No. 3792 was made to conform with **House Bill No. 3862**.

On motion, House Bill No. 3862, on same subject, was substituted for Senate Bill No. 3792.

Senate Bill No. 3794 -- Overton County -- As introduced, subject to local approval, enacts a hotel/motel tax.

On motion, Senate Bill No. 3794 was made to conform with **House Bill No. 3864**.

On motion, House Bill No. 3864, on same subject, was substituted for Senate Bill No. 3794.

Senate Bill No. 3796 -- Lexington -- As introduced, subject to local approval, revises various provisions of the charter related to residency of department heads; gives control and supervision of the electric plant to the board of mayor and aldermen instead of an electric utility board. Amends Chapter 402 of the Acts of 1901; as amended and rewritten.

On motion, Senate Bill No. 3796 was made to conform with **House Bill No. 3866**.

On motion, House Bill No. 3866, on same subject, was substituted for Senate Bill No. 3796.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Yager and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR NO. 2

Senate Bill No. 3803 -- Johnson County -- As introduced, subject to local approval, repeals the road commissioners.

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Senate Bill No. 3807 -- Millington -- As introduced, subject to local approval, rewrites the charter; creates the position of "city manager" to be appointed by and serve at the pleasure of the board of mayor and aldermen. Amends Chapter 238 of the Acts of 1903.

On motion, Senate Bill No. 3807 was made to conform with **House Bill No. 3868**.

On motion, House Bill No. 3868, on same subject, was substituted for Senate Bill No. 3807.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3635 -- Sexual Offenders -- As introduced, provides that the conveyance of real or personal property of a sexual offender used to violate a provision of the sex offender registry is subject to forfeiture if the victim was a minor. Amends TCA Title 39, Chapter 13, Part 5.

On motion, Senate Bill No. 3635 was made to conform with **House Bill No. 3398**.

On motion, House Bill No. 3398, on same subject, was substituted for Senate Bill No. 3635.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting the following language:

SECTION 1. Tennessee Code Annotated, Section 39-13-530(a), is amended by deleting the subsection in its entirety and by substituting the following:

(a)(1) Any conveyance or real or personal property used in the commission of an offense under this part, is subject to judicial forfeiture under the provisions of Title 39, Chapter 11, Part 7; provided, however, that the offense is committed against a person under eighteen (18) years of age and was committed on or after July 1, 2006.

(2) Any conveyance or personal property used in the commission of a violation of § 40-39-211 committed on or after July 1, 2012, by a sexual offender or violent sex offender, as defined in § 40-39-202, whose victim was a minor, is, upon conviction, subject to judicial forfeiture as provided in Title 39, Chapter 11, Part 7.

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SECTION 2. Tennessee Code Annotated, Section 35-13-530(b) is amended by deleting the language:

"Notwithstanding the provisions of § 40-33-211".

SECTION 3. This act shall take effect on July 1, 2012, the public welfare requiring it and shall apply to any applicable offense committed on or after such date.

On motion, Amendment No. 1 was adopted.

Senator Roberts moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "Section 35-13-530(b) in the directory language of Section 2 and substituting instead the language "Section 39-13-530(b)".

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 3398**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 3647 -- Conservation -- As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. Amends TCA Title 11 and Title 67.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, is amended by adding the following language as a new, appropriately designated chapter:

11-27-101.

This chapter shall be known and may be cited as the "Doe Mountain Recreation Authority Act of 2012".

11-27-102.

(a) It is hereby found and determined that:

(1) There is an immediate need to conserve Doe Mountain, an iconic 8,600-acre forested mountain presently under threat from economic distress;

(2) It is through conservation of these same Appalachian Mountains, in particular, Doe Mountain, that will give rise to an unparalleled location for family-oriented, multi-use outdoor recreation, job creation, and economic growth;

(3) The conservation of Doe Mountain and the proper development of multi-use recreational opportunities on the mountain requires partnerships between state and local government, the private sector, conservationists, and an engaged local community to preserve the mountain's unique nature and realize its economic potential;

(4) In many instances, effective cooperation between these parties has been hampered by inadequate statutory authority and management expertise. An authority vested with the full range of necessary statutory powers is, therefore, needed to ensure the success of Doe Mountain's conservation and to realize its full economic potential for the citizens of this state; and

(5) Realizing that the economic development potential of newly acquired conservation lands calls for a new mechanism to manage these lands for multi-use outdoor recreation opportunities and to make the public aware of these opportunities, the general assembly, therefore, intends to vest an authority with the powers set forth herein to prepare comprehensive, long-range, site-specific master plans and to ensure compliance with such plans; to conserve the land, waters, and wildlife of Doe Mountain in a manner protective of the resource, including, where applicable, transfer of lands management for natural areas and/or wildlife management areas; and to foster economic development for the people by the development and operation of multi-use, family-oriented outdoor recreation opportunities.

(b) It is the purpose of this chapter to address these findings by providing for the establishment of the Doe Mountain Recreation Authority to protect and conserve the natural resources of Doe Mountain through planning, promoting, financing, constructing, managing, and developing multi-use recreational opportunities for public participation and enjoyment that will create jobs and facilitate economic development.

(c) This chapter shall be liberally construed in conformity with its purpose.

11-27-103.

There is hereby created and established the "Doe Mountain Recreation Authority", being a public body corporate and politic.

11-27-104.

As used in this chapter, unless the context otherwise requires:

(1) "Adventure tourism activities" means outdoor recreational opportunities such as equine and motorized trail riding, rappelling, road biking, rock climbing, hang gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Authority" means the Doe Mountain Recreation Authority;

(3) "Board" means the board of directors of the authority;

(4) "Bonds" or "revenue bonds" means bonds, notes, interim certificates or other obligations of an authority issued pursuant to this chapter, or pursuant to any other law, as supplemented by, or in conjunction with, this chapter;

(5) "County" means the county in this state in which Doe Mountain is located;

(6) "Governing body" means the legislative body of a county as defined in this act;

(7) "Municipality" means any county, or any incorporated city or town in this state with respect to which the authority may be organized;

(8) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character;

(9) "Project" means any outdoor recreational facility, or any other structure, improvement, or facility constructed, leased, equipped, renovated or acquired for any of the purposes set forth in this chapter, and also includes, but is not limited to, trails, roads, streets, bridges, towers, erosion control facilities, paths, signs, shelters, cabins, and utility services, such as water, sanitary sewer, electricity, gas and natural gas, and telecommunications that are constructed, leased, equipped, renovated or acquired as a supporting system or facility for any of the purposes set forth in this chapter; provided, that such supporting system or facility is dedicated for public use;

(10) "Revenues" means all revenues derived from and on account of a project, directly or indirectly, including license or admission fees, payments under a lease or sale contract and repayments under any loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a lessee or contracting party delivered as provided in this chapter, and any revenues pledged by a municipality;

(11) "Outdoor recreational facilities" means and includes projects, facilities, improvements, and structures erected for any and all types of recreational pursuits, including, but not limited to adventure tourism activities,

camping, hiking, hunting, fishing, wildlife viewing, or any other outdoor recreational activity that adds to the recreational enrichment and economic development of the community; and

(12) "State" means the State of Tennessee and, unless otherwise indicated by the context, any agency, authority, branch, bureau, commission, corporation, department or instrumentality of the state, now or hereafter existing.

11-27-105.

The authority shall file its charter with the secretary of state pursuant to Tennessee Code Annotated Title 48, Chapter 51. The charter shall be placed on record in the office of the register of deeds of Johnson County. Upon such recordation of its charter, the authority shall be authorized to function in accordance with the provisions of its charter and the provisions of this chapter.

11-27-106.

(a) The authority shall be governed by a board of directors consisting of fifteen (15) members:

(1) The mayor of the county, or the mayor's designee;

(2) The mayor of the largest municipality within the county, or the mayor's designee;

(3) The director of the wildlife resources agency, or the director's designee;

(4) The Commissioner of the Department of Economic and Community Development, or the commissioner's designee;

(5) The Commissioner of the Department of Environment and Conservation, or the commissioner's designee;

(6) The Commissioner of the Department of Tourism Development, or the commissioner's designee;

(7) One (1) member, appointed by the county mayor from a list of three (3) submitted by the board of directors of the county's chamber of commerce, who shall serve for a term of two (2) years;

(8) One (1) member, appointed by the county mayor, who shall be a resident of the county, and active in a locally organized conservation or outdoor recreation organization, who shall serve for a term of two (2) years;

(9) One (1) member, appointed by the governor, who shall have a background in conservation, who shall serve for a term of three (3) years;

(10) One (1) member, appointed by the governor, who shall have experience in outdoor recreation planning, marketing, or operations, who shall serve for a term of three (3) years;

(11) One (1) member, elected by majority vote of the governing body of the county, who shall serve for a term of two (2) years;

(12) One (1) member, appointed by the Speaker of the Senate in consultation with the member of the senate representing the majority of the county's population, who shall serve for a term of two (2) years;

(13) One (1) member, appointed by the Speaker of the House of Representatives in consultation with the member of the House of Representatives representing the majority of the county's population, who shall serve for a term of two (2) years;

(14) One (1) member, appointed by the governor from a list of three (3) names submitted by The Nature Conservancy, who shall serve for a term of (3) years; and

(15) One (1) member of the public at large, appointed by the governor, who shall be a resident of the county or an adjoining county and not otherwise affiliated with any of the groups identified above, who shall serve for a term of three (3) years.

(b) Any board designee or nominee shall be appointed or designated by the filing of a writing, executed by or on behalf of the designator identified in subsection (a), with the secretary-treasurer of the authority and with the secretary of state.

(c) Upon completion of its membership, the appointees shall meet and organize, elect a chair, vice-chair, and secretary-treasurer, who shall each serve for a term of two (2) years, and set a regular time and place for meetings of the board. The board shall meet no less often than monthly during its first twelve (12) months of operation, and no less often than once every three (3) months thereafter. In the event of a vacancy in the chair, vice-chair or secretary-treasurer position, the board shall fill the vacancy by a vote of the majority of the members appointed at the next regularly called meeting of the board.

(d) Members of the board shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the authority. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the attorney general and reporter.

(e) Each of such officers may be removed at any time by the affirmative vote of a majority of the board of the authority for any of the following reasons:

(1) Three (3) consecutive unexcused absences from meetings of the board;

(2) Refusal to carry out any obligation imposed upon the board member by this chapter, by any other law, or at the direction of the board;

(3) Knowing or willful neglect of the board member's duties; or

(4) Conviction of any felony, or any offense related to a breach of public trust.

(f) In the event of a vacancy on the board created by the death, resignation, or removal of a member, the appointing authority that selected the previous member pursuant to this section, shall fill the vacancy by appointment of an interim board member within thirty (30) days of the creation of the vacancy. If the appointing authority does not fill the vacancy within thirty (30) days, the county governing body, upon petition of the board, may by majority vote elect a person to fill the unexpired term until such time as the appointing authority has acted. The election of any such interim board member by the governing body shall not deprive the appointing authority of its powers to make an appointment of a board member upon the completion of the interim board member's term.

11-27-107.

(a) The authority has the following powers necessary for carrying out the purposes set forth in this chapter to:

(1) Adopt a seal;

(2) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Purchase, hold, sell and convey land and personal property, and execute such contracts as may be deemed necessary or convenient by the board to enable it to properly carry out the purposes for which it is organized;

(4) Conserve the natural resources of real property owned and managed by the authority, including the land, timber, and waters, and the Department of Conservation and Environment for transfers of lands for wildlife management areas and/or natural areas;

(5) Contract for the construction of projects, and other proposed works and improvements;

(6) Contract for professional services and other assistance, including, but not limited to, legal, architectural, engineering, financial, accounting, and human resources professionals, as its board in its sole

discretion deems necessary, the cost of such services comprising an obligation of the authority and paid in the same manner as any other expenses of the authority;

(7) Construct any drainage works or improvements; to construct any works or improvements for the control, retention, diversion, or utilization of water; retard runoff of water and soil erosion; construct facilities, projects, park areas, and other recreational facilities, and repair, improve and maintain any of such improvements or structures;

(8) Acquire personal property by gift or purchase;

(9) Acquire or sell authority-owned land, or any interest in land, including leasehold interests, by gift, bequest, sale, or purchase. Any sale or disposal of land must have the approval of the state building commission;

(10) Borrow money from time to time and, in evidence of any obligation incurred, issue and, pursuant to § 11-27-115, sell its revenue bonds in accordance with this chapter and the applicable provisions of Title 9, Chapter 21, in such form and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(11) Cooperate and contract with persons, firms, associations, partnerships and private corporations, and with watershed districts, drainage districts, counties, conservation districts, levee districts, counties, cities, quasi-municipalities, utility districts, and other similar corporations or agencies of the State of Tennessee, and with any such districts or agencies organized for similar purposes in any adjoining state, and with other local, state and federal agencies, including, but not limited to, the Department of Agriculture, Department of Environment and Conservation, Wildlife Resources Agency, Tennessee Valley Authority, or any other federal agency, and to enter into cooperative contracts and agreements with any such districts, corporations or agencies;

(12) Select a residence or home office for the authority, which shall be at a place designated by the board;

(13) Receive contributions or grants from counties, cities and towns, any state or federal agency, or from any other source;

(14) Acquire water rights and distribute or sell water for irrigation or for other purposes, either within or without the boundaries of the authority;

(15) Provide recreational facilities;

(16) Lease authority-owned lands for timbering, or other purposes consistent with the purposes set forth in § 11-27-102(b);

(17) Contract for all materials, supplies, equipment, personnel, and services necessary for the proper administration of the authority;

(18) Publish and maintain a Web site for any purpose set forth in this chapter;

(19) Expend funds for any purpose set forth in this chapter;

(20) Take such steps as deemed necessary by its board of directors for the promotion and protection of public health within the boundaries of the authority, and enter into agreements with private nonprofit corporations, the Department of Environment and Conservation, the division of forestry, the Wildlife Resources Agency, or any local public health unit, or any other federal, state or local agency for that purpose;

(21) Take such steps as deemed necessary for fire prevention, and for this purpose to enter into cooperative agreements with the division of forestry, or any other federal, state or local agency and volunteer fire departments;

(22) Contract for the operation of concessions on or in any of the properties owned, managed, or leased by the authority;

(23) Advertise within and without the state any of the recreational facilities, opportunities, or events, of the authority;

(24) Enter into agreements for payments in lieu of any tax assessment by any city or county;

(25) Make all needful rules, regulations and bylaws for the management and conduct of the affairs of the authority and of the board; and

(26) Establish, charge and collect user fees, which will be used solely to support the operation and maintenance of the authority.

(b) None of the powers enumerated in subsection (a) shall be exhausted by use but shall be continuous and perpetual throughout the life of the authority.

(c) The authority may not regulate or impose any permitting requirements on any facility or improvement that is subject to the requirements of Title 59; Title 68, Chapter 201, 202, 211, 212, 213, 215, or 221; or Title 69, Chapter 3. No permit for any solid waste management facility shall be issued by the Commissioner of Environment and Conservation for any site located on property owned or managed by the authority.

11-27-108.

(a) In addition to other powers and duties specified in this chapter, the authority shall:

(1) Establish bylaws and make all rules and regulations not inconsistent with this chapter, deemed expedient for the management of the affairs of the authority;

(2) Set the amount of all fees required by this chapter;

(3) Receive, administer and account for all monies derived under this chapter, which shall be used to defray expenses incurred in the administration of this chapter;

(4) Keep a public record of its proceedings;

(5) Seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter or of any rule promulgated to effectuate the purposes of this chapter, or to obtain compensation for the breach of any duty owed the authority, provided that jurisdiction and venue are conferred upon the chancery court of the county to hear and determine such a suit, and that no bond shall be required for the prosecution of the suit or for the issuance of an injunction; and

(6) Have other powers and duties that are necessary to effectuate this chapter.

(b) For purposes of § 11-11-205 only, the authority shall be defined as an adventure tourism business.

11-27-109.

(a) All meetings of the authority's board, including the organization's meeting provided for in § 11-27-106(c), shall be open to the public, pursuant to § 8-44-102. Notice and an agenda for such meetings shall be mailed to each board member and published on the authority's Web site at least five (5) days prior to the date of the meeting. Special meetings may be held at any time upon waiver of notice of a meeting by all board members, or may be called by the chair or any two (2) board members at any time, upon three (3) days notice to all board members and published on the authority's Web site.

(b) A majority of the board members constitutes a quorum for the transaction of business. A majority vote of the board members in attendance at any meeting of the board is sufficient to authorize any act taken pursuant to the powers set forth in this chapter.

(c) The board may conduct special or regular meetings by conference call or video conference, provided the electronic nature of the meeting is included in the meeting notice, and opportunity for public participation is provided.

(d) All official records of the authority shall be *prima facie* evidence of all matters required to be kept in the records.

(e) Except as otherwise provided by this section, business plans, specifically including, but not limited to, financial statements, pricing, and market strategies, submitted by individuals or entities who have contracted with, or seeking to contract with, the authority to provide services pursuant to the powers set forth in this chapter, shall be treated as confidential and may not be disclosed except by order of a court of competent jurisdiction or by permission of the individual or entity.

(f) Members of the authority are officers of the state in carrying out the duties imposed by this chapter, and as such have the full measure of governmental immunity provided by law.

11-27-110.

At the initial meeting of the board, the board shall undertake to develop and publish a written management plan for the authority, which shall be publicly available. The board may consult with The Nature Conservancy regarding developing such plan. The board has the power to employ engineers, surveyors, conservation experts, outdoor recreation experts, management experts, and other professionals necessary for such study, and to have prepared surveys, maps, profiles, plans and descriptions, and such other data as may be necessary. The plan shall consider whether, and to what extent, lands of the authority should be owned and managed as natural areas and/or wildlife management areas by the Department of Environment and Conservation and the wildlife management authority, respectively. The authority may, in consultation with The Nature Conservancy, thereafter biennially review, revise, and re-publish its management plan.

11-27-111.

(a) The governing body of the county, or the governing body of any city or town, adjacent to or in the proximity of any real property owned by the authority, has the right to contribute, out of the general fund or any special fund of such county or city, such amount as such legislative body sees fit, to be used in the preliminary expenses of the authority, or in the maintenance of the authority, or for capital improvements or projects of the authority.

(b) For the purpose of aiding and cooperating with the authority, the governing body may assign or loan any of its employees, and may provide necessary office space, equipment, and other facilities, for the use of the authority, as the governing body may approve.

(c) In addition to the methods of financing authorized in this chapter, administrative costs of the authority as well as the cost of any general plan, improvement, project, program, or work benefiting the authority or in support of the purposes for which the authority is organized, generally may be financed by any fee, special assessment, or general fund tax revenue appropriated by a public or private act of the general assembly.

11-27-112.

The authority shall not have the power of eminent domain.

11-27-113.

(a) The board shall cause an annual audit to be made of the books and records of the authority. The comptroller of the treasury, through the Department of Audit, shall be responsible for determining that such audits are made in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) These audits shall be made by certified public accountants. In the event the board shall fail or refuse to have the audit made, then the comptroller of the treasury may appoint a certified public accountant, or direct the Department of Audit to make the audit, the cost of such audit to be paid by the authority.

(c) The authority shall prepare an annual report of its business affairs and transactions, a copy of which shall be available for public inspection, and filed by January 31 of each year with the comptroller of the treasury, the office of governor, and the Speakers of the House and Senate.

11-27-114.

(a) The authority is hereby declared to be performing a public function and to be a public instrumentality. The acquisition, operating and financing of any project by the authority is declared to be for a public and governmental purpose and a matter of public necessity. Accordingly, the authority and all properties at any time owned by it and the income from the properties and all bonds issued by the authority and the income from the bonds shall be exempt from all state, county and municipal taxation. For purposes of the Tennessee Securities Act of 1980, compiled in Title 48, Chapter 2, Part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state.

(b) The authority shall be a public nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any person.

11-27-115.

(a) The authority shall have power and is authorized to issue its bonds in accordance with this chapter and in accordance with the Local Government Public Obligations Law, compiled in Title 9, Chapter 21, and for such purposes the bonds shall be treated as revenue obligations of the authority under this chapter, in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for monies previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority; provided that in accordance with Title 9, Chapter 21, the authority shall request a report on any proposed refunding from the office of the comptroller. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of

refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board of directors of the authority. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e)(1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the

maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(f) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(g) Any bonds and notes of the authority may be sold at public or private sale to the extent authorized for local governments, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

11-27-116.

All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

11-27-117.

As a public body, no part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the authority, then any net earnings of the authority thereafter accruing shall be paid to the municipality or municipalities with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

11-27-118.

Whenever the board of directors of the authority, by resolution, determines that there has been substantial compliance with the purposes for which the authority was formed, and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors shall thereupon execute and file for record in the office of the secretary of state a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the state, in the manner approved by the board and the state, and possession of such funds and properties shall forthwith be delivered to the state. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by the board and the state, but in no event shall such costs be distributed to any person other than a governmental entity.

11-27-119.

This chapter shall not be construed as a restriction or limitation upon any powers that an authority, as a public corporation, might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security for the bonds, except as provided in this chapter, any other law to the contrary notwithstanding; provided, that nothing in this chapter shall be construed to deprive the state and its governmental subdivisions of their respective police powers over properties of the authority, or to impair any power over same.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Bell moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subdivision (a)(7) from 11-27-106 of Section 1 in its entirety and by substituting instead the following new language:

(7) One (1) member, appointed by the county mayor from lists of qualified persons submitted by interested civic groups including, but not limited to, the board of directors of the county's chamber of commerce, who shall serve for a term of two (2) years;

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 3647**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senator Kelsey moved that **House Bill No. 3274** be moved fifteen places down on the Calendar for today, which motion prevailed.

Senate Bill No. 3691 -- Criminal Procedure -- As introduced, deletes provision prohibiting district attorney from applying to judge for a wiretap order in marijuana cases in which the amount is less than 700 pounds. Amends TCA Title 39, Chapter 17.

On motion, Senate Bill No. 3691 was made to conform with **House Bill No. 3637**.

On motion, House Bill No. 3637, on same subject, was substituted for Senate Bill No. 3691.

House Bill No. 3637 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 3700 -- Election Laws -- As introduced, authorizes recognized minor party the option to nominate all offices by primary or by rules of the party; if they nominate by primary election, the petition for recognition must be filed by the qualifying deadline; if they nominate by any other means, the petition for recognition must be filed 90 days prior to the general election. Amends TCA Title 2.

Senator Kyle moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 2-5-101(f), is amended by deleting subdivision (3) and (4) and substituting instead the following language:

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(3) No person defeated in a primary election or party caucus shall qualify as an independent for the general election.

(4) No candidate in a party primary election or party caucus may appear on the ballot in a general election as the nominee of a different political party or as an independent.

On motion, Amendment No. 2 was adopted.

Senator Kyle moved that **Senate Bill No. 3700**, as amended, be rereferred to the Committee on State and Local Government.

Senator Kyle moved for the previous question on **Senate Bill No. 3700**, as amended, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 3700**, as amended, be rereferred to the Committee on State and Local Government, which motion failed by the following vote:

Ayes	12
Noes	19

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--12.

Senators voting no were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

On motion of Senator Kyle, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 3700**, as amended, passed its third and final consideration by the following vote:

Ayes	22
Noes	9

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Berke, Burks, Harper, Haynes, Henry, Herron, Kyle and Marrero--9.

A motion to reconsider was tabled.

Senator Norris moved that **Senate Bill No. 2206** be placed on the Calendar for Monday, April 23, 2012, which motion prevailed.

Senate Bill No. 2225 -- Intellectual and Developmental Disabilities -- As introduced, revises various provisions governing the licensing of facilities and personal support services agencies for persons with intellectual and developmental disabilities. Amends TCA Title 4 and Title 33.

Senator Massey declared Rule 13 on **Senate Bill No. 2225**.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in the amendatory language of Section 1 the subsection designation "(b)" and substituting instead the subsection designation "(c)".

AND FURTHER AMEND by deleting in subdivision (4) of the amendatory language of Section 3 the word "heath" and by substituting instead the word "health".

AND FURTHER AMEND by inserting in subdivision (12) of the amendatory language of Section 3 a comma "," after the phrase "emotional disturbances" and before the phrase "and intellectual or developmental disabilities".

AND FURTHER AMEND by deleting the amendatory language of Section 4 in its entirety and by substituting instead the following:

(a) The departments have the authority to license services and facilities operated for the provision of mental health services, alcohol and drug abuse prevention and/or treatment, for the provision of services for intellectual and developmental disabilities and for personal support services. The Department of Mental Health shall license services and facilities operated for persons with mental illness and/or serious emotional disturbance or in need of alcohol and drug abuse prevention and/or treatment services. The Department of Mental Health shall also license personal support services for the aged as well as persons with mental illness. Services and facilities operated for persons with intellectual or developmental disabilities and personal support services for persons with intellectual or developmental disabilities shall be licensed by the Department of Intellectual and Developmental Disabilities. Notwithstanding any references in this part to the licensing of "facilities" or "services", only persons, proprietorships, partnerships, associations, governmental agencies or corporations may be listed on license applications or licenses as the licensed entity.

AND FURTHER AMEND by deleting in the amendatory language of Section 5 the language "...the primary purpose of the facility is other than the provision..." and substituting instead the language "...the primary purpose of the facility is other than the provision..."

AND FURTHER AMEND by adding in subsection (a) of the amendatory language of Section 9 the word "proprietorship," between the word "person," and the word "partnership,".

AND FURTHER AMEND by deleting the amendatory language of Section 12 in its entirety and substituting new language as follows:

(a) Any residential facility that houses persons with intellectual or developmental disabilities and is required by law to be licensed by the department shall not receive a license if the facility houses more than four (4) persons served and is not licensed on June 23, 2000. The department shall not license more than two (2) such residential facilities within five hundred yards (500 yds.) in any direction from other such facilities housing persons served. All set-back requirements applicable to lots where such facilities are located shall apply to such residential facilities.

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AND FURTHER AMEND by deleting in the amendatory language of Section 13 the words "school" and "dully" in their entirety and substituting, respectively, the words "schools" and "dually".

AND FURTHER AMEND by deleting Section 15 in its entirety and by substituting instead the following:

SECTION 15. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2225**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2514 -- Lottery, Scholarships and Programs -- As introduced, revises initial academic requirements for eligibility and the amount of the award of the Tennessee HOPE scholarship beginning with students entering college in 2015-2016; recommends use of net lottery proceeds for TSAA grants for 10 years beginning with 2015-2016. Amends TCA Title 49, Chapter 4.

Senator Barnes declared Rule 13 on **Senate Bill No. 2514**.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subdivision (a)(3)(B) in the amendatory language of Section 2 of the bill, which reads as follows:

(B) Beginning with the 2015-2016 academic year and for academic years thereafter:

(i) Attain a composite ACT score of at least 23 on any single ACT test date or a combined SAT score of at least 1070 on any single SAT test date, if the student completed high school in a Tennessee home school program or graduated from a high school located in Tennessee that is not an eligible high school; or

(ii) Pass the GED tests with an average score of at least 525 and attain a composite ACT score of at least 23 on any single ACT test date or a combined SAT score of at least 1070 on any single SAT test date, if the student obtained a GED.

and by substituting instead the following:

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(B) Beginning with the 2015-2016 academic year and for academic years thereafter:

(i) If the student completed high school in a Tennessee home school program or graduated from a high school located in Tennessee that is not an eligible high school, attain:

(a) A composite ACT score of at least 21 on any single ACT test date and a score of at least 21 on two (2) of the four (4) subtests; or

(b) A combined SAT score of at least 980 on any single SAT test date and a score of at least 490 on one (1) of the any two (2) subtests; or

(ii) If the student obtained a GED:

(a) Pass the GED tests with an average score of at least 525; and

(b) Attain:

(1) A composite ACT score of at least 21 on any single ACT test date and a score of at least 21 on any two (2) of the four (4) subtests; or

(2) A combined SAT score of at least 980 on any single SAT test date and a score of at least 490 on one (1) of the two (2)

AND FURTHER AMEND by deleting Section 3 of the bill in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new section:

49-4-909. A student who is an entering freshman in the 2015-2016 academic year or academic years thereafter who attends an eligible four-year postsecondary institution, but does not meet the requirements of § 49-4-907(a)(3)(B) or § 49-4-908(a)(3)(B) for the scholarship, shall be awarded the same scholarship amount under § 49-4-914(b) as Tennessee HOPE scholarship students attending eligible two-year postsecondary institutions until the student has attempted forty-eight (48) semester hours; provided, that the student maintains continuing eligibility under § 49-4-911. If such student meets the continuation requirements of § 49-4-911 when the student's continuing eligibility is checked at forty-eight (48) semester hours attempted or at any subsequent checkpoint, then such student shall be eligible for the amount of the Tennessee HOPE scholarship under § 49-4-914(a).

AND FURTHER AMEND by deleting Section 5 of the bill in its entirety and by substituting instead the following:

SECTION 5. Tennessee Code Annotated, Section 49-4-920(e), is amended by adding the following language as new subdivision (3):

(3) A HOPE access student who is an entering freshman in the 2015-2016 academic year or in an academic year thereafter and who subsequently becomes eligible for a Tennessee HOPE scholarship shall receive the amount that students

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who are attending the same institution, who originally qualified for the scholarship under § 49-4-907(a)(3)(A) and who have attempted the same number of semester hours as the HOPE access student receive.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes 19
Noes 10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--10.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting Section 10 of the bill, the effective date section, and by substituting instead the following language:

SECTION 10. (a) IF net lottery proceeds for fiscal year 2011-2012 exceed the amount of net lottery proceeds for fiscal year 2010-2011 by ten million dollars (\$10,000,000) or more, AND IF net lottery proceeds for fiscal year 2012-2013 meet or exceed the amount of net lottery proceeds for fiscal year 2011-2012, AND IF net lottery proceeds for fiscal year 2013-2014 meet or exceed the amount of net lottery proceeds for fiscal year 2011-2012, THEN this act is repealed July 1, 2015.

(b) For the purposes of this section, the term "net lottery proceeds" does not include unclaimed prize monies.

(c) No later than May 1, 2015, the state funding board shall meet; shall review the appropriate financial records and data; shall determine whether this act is repealed effective July 1, 2015, pursuant to subsection (a); and shall report its determination to the secretary of state and to the Tennessee Code Commission.

SECTION 11. This act shall take effect June 30, 2015, the public welfare requiring it.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes 19
Noes 10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--10.

Senator McNally moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the words "net lottery proceeds" from the amendatory language of Section 8 of the bill and by substituting instead the words "lottery reserves".

AND FURTHER AMEND by deleting in the amendatory language of Section 10(a) of the bill as amended the words "meet or exceed" wherever they appear and substituting instead the word "exceed".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The Tennessee Student Assistance Corporation (TSAC) shall include notification to parents and students of the potential changes in requirements for receipt of the Tennessee HOPE lottery scholarship under this act on its Web site and in all brochures produced by TSAC that describe the requirements for receipt of a Tennessee HOPE lottery scholarship. TSAC shall provide training on the potential changes to its outreach staff who provide information on the Tennessee HOPE lottery scholarship to high school counselors, parents and students.

On motion, Amendment No. 3 was adopted.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the following language from Section 10:

(a) IF net lottery proceeds for fiscal year 2011-2012 exceed the amount of net lottery proceeds for fiscal year 2010-2011 by ten million dollars (\$10,000,000) or more, AND IF net lottery proceeds for fiscal year 2012-2013 exceed the amount of net lottery proceeds for fiscal year 2011-2012, AND IF net lottery proceeds for fiscal year 2013-2014 exceed the amount of net lottery proceeds for fiscal year 2011-2012, THEN this act is repealed July 1, 2015.

and substituting instead:

(a) IF net lottery proceeds for fiscal year 2011-2012 exceed the amount of net lottery proceeds for fiscal year 2010-2011 by ten million dollars (\$10,000,000) or more, AND IF net lottery proceeds for fiscal year 2012-2013 exceed the amount of net lottery proceeds for fiscal year 2010-2011 by ten million dollars (\$10,000,000) or more, AND IF net lottery proceeds for fiscal year 2013-2014 exceed the amount of net lottery proceeds for fiscal year 2010-2011 by ten million dollars (\$10,000,000) or more, THEN this act is repealed July 1, 2015.

Senator Gresham moved that Amendment No. 4 go to the table, which motion prevailed by the following vote:

Ayes 17
Noes 11

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Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--11.

Senator Tracy moved for the previous question on **Senate Bill No. 2514**, as amended, which motion failed by the following vote:

Ayes 19
Noes 12

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--12.

Thereupon, **Senate Bill No. 2514**, as amended, passed its third and final consideration by the following vote:

Ayes 20
Noes 10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Stewart--10.

A motion to reconsider was tabled.

Senate Bill No. 2515 -- Lottery, Corporation -- As introduced, requires the general shortfall lottery subaccount to be maintained at \$100 million instead of at \$50 million; requires comptroller to make an annual report on the adequacy of reserves. Amends TCA Section 4-51-111.

On motion, Senate Bill No. 2515 was made to conform with **House Bill No. 2650**.

On motion, House Bill No. 2650, on same subject, was substituted for Senate Bill No. 2515.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "general shortfall reserve account" in the amendatory language of Section 2 of the bill and by substituting instead the language "general shortfall reserve subaccount".

On motion, Amendment No. 1 was adopted.

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Thereupon, **House Bill No. 2650**, as amended, passed its third and final consideration by the following vote:

Ayes 19
Noes 11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Herron, Kyle, Marrero and Stewart--11.

A motion to reconsider was tabled.

Senate Bill No. 3096 -- Boards and Commissions -- As introduced, requires each speaker appointment for the Tennessee criminal justice coordinating council to be from the respective State and Local Government Committee. Amends TCA Title 4 and Title 41.

Senator Norris declared Rule 13 on **Senate Bill No. 3096**.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-24-105, is amended by adding the following language as a new appropriately designated subsection:

() Notwithstanding any other provision of law to the contrary, a contract to provide correctional services as defined in § 41-24-102(2)(F) may be extended beyond the term specified in subsection (b) as determined necessary and appropriate by the commissioner for the purpose of evaluating the department's operational strategy for the use of the contract facility. Any such extension may be for a period not to exceed twelve (12) months. A contract amendment accomplishing such an extension shall require the approval of the authorities listed in § 41-24-104(a)(1) and the opportunity for review and comment by the entities listed in § 41-24-104(a)(2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3096**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 1

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Marrero--1.

A motion to reconsider was tabled.

Senator Gresham moved that **Senate Bill No. 3460** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Ketron moved that **House Bill No. 1572**, as amended, be placed on the Calendar for Thursday, April 19, 2012, which motion prevailed.

Senate Joint Resolution No. 183 -- Constitutional Amendments -- Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges.

Senator Norris moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 183** had been read.

Thereupon, **Senate Joint Resolution No. 183** was adopted by the following vote:

Ayes	21
Noes	9

Senators voting aye were: Beavers, Bell, Crowe, Faulk, Finney, Gresham, Haynes, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Senators voting no were: Barnes, Berke, Burks, Campfield, Harper, Henry, Herron, Kyle and Marrero--9.

A motion to reconsider was tabled.

Senate Joint Resolution No. 710 -- Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 3 in order to constitutionally enshrine a system for selection of each appellate court judge by means of merit-based gubernatorial appointment with legislative confirmation and, thereafter, contingent upon a satisfactory job performance evaluation, retention election by the voters of the state, as amended.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the first resolving clause in its entirety and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article VI, Section 3, of the Constitution of Tennessee be amended by deleting the first and second sentences and by substituting instead the following:

Judges of the Supreme Court or any intermediate appellate court shall be appointed for a full term or to fill a vacancy by and at the discretion of the governor; shall be confirmed by the Legislature; and thereafter, shall be elected in a retention election by the qualified voters of the state. Confirmation by default occurs if the Legislature fails to reject an appointee within sixty calendar days of either the date of appointment, if made during the annual legislative session, or the convening date of the next annual legislative session, if made out of session. The Legislature is authorized to prescribe such provisions as may be necessary to carry out Sections two and three of this article.

On motion, Amendment No. 4 was adopted.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 710**, as amended, had been read.

PRESENTATION

Senator Finney presented **Senate Joint Resolution No. 722** to Senator Berke.

MOTION

Senator Kyle moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 892**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 892 -- Memorials, Retirement -- Melvin C. Everette.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 892** was concurred in.

A motion to reconsider was tabled.

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MOTION

Senator Kyle moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 916**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 916 -- Memorials, Recognition -- Kappa Alpha Psi Fraternity, Inc., Day on the Hill.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 916** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Overbey moved that **Senate Bill No. 2923** be considered next, out of order, which motion prevailed.

CALENDAR

Senator Overbey moved that **Senate Bill No. 2923** be rereferred to the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

Senator Overbey moved that **Senate Bill No. 68** be recalled from the Governor, which motion prevailed.

MOTION

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3207** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 17, 2012, which motion prevailed.

MOTION

Senator Norris moved that **Senate Bill No. 2234** be considered next, out of order, which motion prevailed.

CALENDAR

Senate Bill No. 2234 -- Taxes -- As introduced, redefines "intangible expense" under the Excise Tax Law; revises other various tax provisions. Amends TCA Title 67.

Senator Johnson declared Rule 13 on **Senate Bill No. 2234**.

On motion, Senate Bill No. 2234 was made to conform with **House Bill No. 2372**.

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On motion, House Bill No. 2372, on same subject, was substituted for Senate Bill No. 2234.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2372** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2923** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 17, 2012, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to request the return of House Joint Resolution No. 891, for further consideration.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3269, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3751, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MONDAY, APRIL 16, 2012 -- 72ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2784, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2591, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

RECALL OF BILL

On motion of Senator McNally, **Senate Bills Nos. 2177, 2836, 2890 and 3092** were recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bills Nos. 2177, 2836, 2890 and 3092 be referred to the Committee on Calendar, which motion prevailed.

MOTION

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 251; and Senate Joint Resolution No. 764.**

On motion of Senators Burks and Overbey, their names were added as sponsors of **Senate Bill No. 2605.**

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bills Nos. 2772 and 3762.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 3023; and House Joint Resolution No. 867.**

On motion of Senator Marrero, her name was added as sponsor of **Senate Bills Nos. 3257 and 3647.**

On motion of Senators Massey and Overbey, their names were added as sponsors of **Senate Bill No. 3305.**

On motion of Senator Johnson, his name was added as sponsor of **Senate Bill No. 3375.**

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On motion of Senators Ford and Marrero, their names were added as sponsors of **Senate Joint Resolutions Nos. 752, 753, 754, 755 and 756.**

On motion of Senators Ford, Kelsey, Marrero and Norris, their names were added as sponsors of **Senate Joint Resolutions Nos. 757 and 758.**

On motion of Senators Berke, Finney, Ford, Harper, Haynes, Herron, Marrero, Massey and McNally, their names were added as sponsors of **Senate Joint Resolution No. 761.**

On motion of Senators Berke, Harper, Herron and McNally, their names were added as sponsors of **Senate Joint Resolution No. 762.**

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 763.**

On motion of Senators Ford, McNally and Roberts, their names were added as sponsors of **Senate Resolution No. 94.**

On motion of Senator Tracy, his name was added as sponsor of **House Joint Resolutions Nos. 520 and 864.**

On motion of Senators Berke, Burks, Harper and Overbey, their names were added as sponsors of **House Joint Resolution No. 679.**

On motion of Senator Yager, his name was added as sponsor of **House Joint Resolution No. 868.**

ENGROSSED BILLS

April 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2225, 2514, 3023, 3096, 3305, 3513, 3647 and 3700; and Senate Joint Resolutions Nos. 183, 751, 752, 753, 754, 755, 756, 757, 758, 761, 763 and 764; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 3257 and 3803, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MONDAY, APRIL 16, 2012 -- 72ND LEGISLATIVE DAY

ENGROSSED BILLS

April 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 806, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2286, 2633 and 2714; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2372, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2459, passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 17, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3175, 3429 and 3867; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 636, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930 and 931; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MONDAY, APRIL 16, 2012 -- 72ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 952 and 953, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 17, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 783, 932, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 954, 955, 956, 957 and 958; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1864, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2241 and 2274, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2463, 2596, 3257, 3801 and 3803; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2755 and 3165, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3345, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 533, 734, 735, 736, 737, 739, 740 and 741; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 742, 743, 744, 745, 746, 747, 748, 749, 750 and 806; concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bill No. 1252, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

April 17, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1864, 2241, 2274, 2463, 2596, 2755, 2879, 3165, 3179, 3257, 3345, 3801 and 3803; Senate Joint Resolutions Nos. 533, 734, 735, 736, 737, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750 and 806; and Senate Resolutions Nos. 93 and 94; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MONDAY, APRIL 16, 2012 -- 72ND LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 16, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 429, 2384, 2442, 2453, 2645, 2986, 3746 and 3828; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 17, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2215, 2372, 2639, 2683, 2856, 2860, 2984, 3009, 3129, 3282, 3637, 3638, 3841, 3846, 3857, 3862, 3864, 3866 and 3868; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 17, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 520, 602, 864, 865, 866, 867, 868, 892 and 916; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 16, 2012

The Speaker announced that he had signed the following: Senate Bill No. 1252.

SIGNED

April 17, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 520, 602, 864, 865, 866, 867, 868, 892 and 916.

REPORT OF DEPUTY CHIEF CLERK

April 16, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 785, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MONDAY, APRIL 16, 2012 -- 72ND LEGISLATIVE DAY

REPORT OF DEPUTY CHIEF CLERK

April 17, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 1252, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 16, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 671, 721, 722, 723, 726, 727, 728, 729, 730, 732, 759 and 785; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 17, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1252, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 17, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 2140, 2625, 2910 and 3588; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

April 17, 2012

Honorable Bill Haslam
Governor of Tennessee
State Capitol
Nashville, Tennessee

Dear Governor Haslam:

I have been requested by the Senate to recall Senate Bill No. 68, for further consideration.

Thank you for your consideration.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk

April 17, 2012

Russell Humphrey
Chief Senate Clerk
State Capitol
600 Charlotte Avenue, 2nd Floor
Nashville, TN 37243

RE: Senate Bill No. 68

Dear Mr. Humphrey,

Per your request for further consideration, I am returning Senate Bill No. 68, which was previously transmitted to and received by Counsel to the Governor on April 13, 2012.

Thank you,

/s/ Ashleigh M. Harb
Deputy Counsel to the Governor

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 18, 2012: Senate Joint Resolutions Nos. 765, 766, 767, 768, 769, 770, 771, 772, 773, 774 and 775; Senate Resolution No. 97; and House Joint Resolutions Nos. 869 and 871.

This the 16th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 18, 2012: Senate Bills Nos. 2739, 2914, 2915, 2957 and 3150.

This the 16th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 18, 2012: Senate Bills Nos. 1093, 2179 and 2569; House Bill No. 3274; Senate Bills Nos. 3270, 3553, 2544, 2754 and 3663; House Bill No. 2403; Senate Joint Resolutions Nos. 693 and 710; Senate Bills Nos. 1180, 2271, 2488, 2489, 2519, 2547, 2638, 2697, 2741, 2818, 2892, 2911, 2948, 2958, 2988, 3076, 3142, 3154, 3275, 3642, 420, 2556 and 3632; House Bill No. 2913; Senate Bill No. 2284; and House Joint Resolution No. 679.

This the 16th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 19, 2012: Senate Joint Resolution No. 777; and House Joint Resolutions Nos. 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 912 and 913.

This the 17th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 19, 2012: Senate Bill No. 2345; and House Joint Resolution No. 620.

This the 17th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 19, 2012: Senate Bills Nos. 250, 2120, 2590, 2604, 2667, 2705, 2711, 2719, 2789, 2893, 3247, 3279, 3323, 3324, 3412 and 3458; House Joint Resolutions Nos. 587 and 614; Senate Bills Nos. 233, 3535 and 3597; and House Bill No. 1572.

This the 17th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, April 19, 2012: Senate Bills Nos. 2591, 2784, 3269 and 3751; and House Bill No. 1105.

This the 17th day of April, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, April 18, 2012, which motion prevailed.